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Catherine U. Brown 44,565  
Name of Attorney Registration No.  
Catherine U. Brown  
Signature of Attorney



Case 7997

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of : deLong et al :  
Serial No.: not assigned : Group Art Unit: not assigned  
Filed: January 31, 2001 : Examiner: not assigned

For: Cosmetic and Pharmaceutical Compositions and Methods Using 2-Decarboxy  
2-Phosphinico Derivatives

INFORMATION DISCLOSURE STATEMENT

Commissioner For Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, record is being made below in a Form PTO-1449 of documents which the Patent Office may wish to consider in connection with examination of the above-identified patent application. It is respectfully requested that the cited documents be carefully considered by the Examiner and made of record in this case. As provided in §1.97(g), no representation is made or intended that a thorough art search was made. As provided in 37 C.F.R. §1.97(h), this Information Disclosure Statement does not constitute an admission of any kind, and specifically is not an admission that the documents listed on attached form PTO-1449 are, or are considered to be, material to the patentability of the above-identified patent application, as defined in 37 C.F.R. §1.56(b).

1. ☒ 37 C.F.R. §1.97 (b)(1) - U.S. Direct (within 3-months of filing a regular application or converted provisional)

This information disclosure statement, submitted under 37 C.F.R. §1.97 (b)(1), is being filed within three months of the filing date of a national application. Therefore, no fee is believed to be due.

2. ☐ 37 C.F.R. §1.97 (b)(2) - Via PCT (within 3 mo. of Nat'l Stage Entry)

This information disclosure statement, submitted under 37 C.F.R. §1.97 (b)(2), is being filed within three months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application. Therefore, no fee is believed to be due.

3. ☐ 37 C.F.R. §1.97 (b)(3) - (>3 mo. after filing direct or nat'l stage entry, but before 1<sup>st</sup> O.A.)

This information disclosure statement is being submitted under 37 C.F.R. §1.97 (b)(3). Applicants have not received an Office Action on the merits in the present application. Therefore, no fee is believed to

be due. However, in the event that this paper is crossing in the mail with a first Office Action on the merits, authorization is hereby given to charge the required fee pursuant to 37 C.F.R. §1.97(c) and 37 C.F.R. §1.17(p) to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company. A duplicate of this letter is enclosed to facilitate charging of the fee, if necessary.

**THE FOLLOWING IS ADDITIONAL INFORMATION PERTAINING TO  
(2) OR (3) MARKED WITH AN (X) ABOVE.**

(a) ☐ The Notification of Acceptance of this Application Under 35 U.S.C. §371 indicates that both a copy of the International Search Report and copies of the references cited therein are present in the national stage file. In accordance with MPEP §1893.03(g), it is respectfully requested that the Examiner note the consideration of these references in the first Office Action via the PTO-892 form.

(b) ☐ The Notification of Acceptance of this Application Under 35 U.S.C. §371 indicates that a copy of the International Search Report is present in the national stage file. Copies of the references cited in that report are enclosed. It is respectfully requested that the Examiner note the consideration of these references in the first Office Action via the PTO-892 form.

(c) ☒ The Notification of Acceptance of this Application Under 35 U.S.C. §371 does not indicate that a copy of the International Search Report and copies of the references cited are present in the national stage file. Copies of the International Search Report and references are attached.

4. ☐ 37 C.F.R. §1.97(c) with fee payment - (use after 1<sup>st</sup> Office Action & before Final Office Action or Notice of Allowance)

This information disclosure statement is being submitted under 37 C.F.R. §1.97(c). Applicant(s) have not received a final action under 37 C.F.R. §1.113 or a notice of allowance under 37 C.F.R. §1.311 as of the date of this submission. Applicant(s) elect to pay the fee set forth in 37 C.F.R. §1.17(p). Please charge the fee set forth in 37 C.F.R. §1.17(p) to Deposit Account Number 16-2480 in the name of The Procter & Gamble Company. A duplicate copy of this letter is enclosed to facilitate the charging of the fee.

**ADDITIONAL ITEMS TO BE NOTED BY THE EXAMINER:**

☐ (1) Copies of the cited references were previously cited by or submitted to the USPTO in prior application Case No. \_\_\_\_, U.S. Patent Application Serial No. \_\_, filed \_\_. Applicants claim priority to said application under 35 U.S.C. §120. Accordingly, copies of those documents are not provided with this Statement, pursuant to 37 C.F.R. §1.98(d).

OR

☒ (2) Copies of the cited documents are enclosed.

OR

☐ (3) Copies of all said documents, except document No.'s \_\_\_\_\_, were submitted and considered in parent application U.S. Patent Application Serial No. \_\_\_\_\_, filed \_\_\_\_\_. Applicant(s) claim priority to said application under 35 U.S.C. §120. Accordingly, copies of document No.'s \_\_\_\_\_ are not provided with this Statement, pursuant to 37 C.F.R. §1.98(d). Copies of document No.'s \_\_\_\_\_ are enclosed. It is respectfully requested that the cited documents be carefully considered by the Examiner and made of record in this case.

☐ (4) Pursuant to 37 C.F.R. §1.98(c), a concise explanation of the relevance of each cited reference that is not in the English language is on the attached page, except where a full English language translation is provided.

☒ (5) Applicants also respectfully request the Examiner to consider and make of record the copending applications listed on the attached page, the copies of which are attached.

☐ Additional information is attached.

Respectfully submitted,

By Catherine U. Brown  
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January 31, 2001  
Cincinnati, OH

### **COPENDING APPLICATIONS**

- § 1.98(a)(2) Content of information disclosure statement: Section 1.98(a)(2)(iii) requires submission of copies of U.S. patent applications that are being cited in IDS statements.
- § 1.98(d)(2) If a U.S. application was cited in an IDS prior to the effective date of the change to §1.98(a)(2) (now requiring a copy of the cited application) but a copy of the cited application was not supplied, as was permissible under the former rule, a copy of the cited application must be supplied if cited in any continuing application where the citation is made after the effective date of the changes to §§ 1.98(a) and (d).

<u>Atty. Docket No.</u>	<u>Serial Number</u>	<u>Inventor(s)</u>	<u>Filing Date</u>
7996P	60/193,846	deLong et al	3/31/2000
7998P	60/193,645	deLong et al	3/31/2000
7999P	60/193,844	deLong et al	3/31/2000
8191	09/633,180	deLong	8/4/2000

LIST OF DOCUMENTS CITED BY APPLICANTS (Use several sheets if necessary)	ATTY. DOCKET NO. 7997	SERIAL NO. not assigned
	APPLICANT DeLong	
	FILING DATE 1/31/2001	GROUP not assigned

09/774558  
U.S. PTO  
01/31/01

### U. S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	US 3,435,053	3/25/69	Beal et al	260/345.2	-	
	US 3,524,867	8/18/70	Beal et al	260/345.2	-	
	US 3,598,858	8/10/71	Bergstrom et al	260/468.0	-	
	US 3,691,216	9/12/72	Bergstrom et al	260/468 R	260/488R	
	US 3,706,789	12/19/72	Bergstrom et al	260/488 D	260/211R	
	US 3,776,938	12/4/73	Bergstrom et al	260/468 D	-	
	US 3,776,939	12/4/73	Bergstrom et al	260/468 D	-	
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	US 3,882,241	5/6/75	Pharriss, BB	424/305	424/318	
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	US 3,896,156	7/22/75	Beal et al	260/468D	260/211	
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	US 3,984,455	10/5/76	Beal et al	260/468D	260/247.2R	
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	US 4,024,179	5/17/77	Bindra et al	260/473A	260/240R	
	US 4,061,671	12/6/77	Beck et al	260/514D	260/343.3R	
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	US 4,123,441	10/31/78	Johnson, RA	260/345.2	424/283	
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	US 4,158,667	6/19/79	Axen, UF	260/413	260/346.22	
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	US 5,578,640	11/26/96	Hanson, WR	514/530	514/573	
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	US 5,719,140	2/17/98	Chandrakumar et al	514/211	540/547	
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	US 5,792,851	8/11/98	Schuster et al	536/23.5	435/69.1	
	US 5,840,847	11/24/98	Abramovitz et al	530/350	435/69.1	
	US 5,834,498	11/10/98	Burk, RM	514/445	514/438	
	US 5,869,281	2/9/1999	Abramovitz et al	435/69.1	435/252.3	
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	US 5,885,766	3/23/1999	Mahe et al	435/1.1	435/29	
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	BE 746615	7/31/70	Belgium	A61K		X
	DE 1617477	1/8/70	Germany	A61K		X
	DE 2460990	12/21/74	Germany	C07C	177/00	X
	EP 249194	6/9/86	EPO	A61K	31/557	
	EP 648488	10/13/93	EPO	A61K	31/00	X
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	JP 49-102,647 ✓	9/27/74	JAPAN	16C68	--	X	
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	WO 00/13664 ✓	3/16/2000	PCT	A61K	47/36		
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	WO 00/16760 ✓	3/30/2000	PCT	A61K	31/00		
	WO 86/00616 ✓	1/30/1986	PCT	C07D	239/02		
	WO 94/08585 ✓	4/28/94	PCT	A61K	31/557		
	WO 95/00552 ✓	1/5/95	PCT	C07K	13/00		
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	WO 95/11033 ✓	4/27/95	PCT	A61K	33/24		
	WO 95/19964 ✓	7/27/95	PCT	C07C	405/00		
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	WO 97/09049 ✓	3/13/97	PCT	A61K	31/557		
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	WO 97/29735 ✓	8/21/97	PCT	A61K	7/42		
	WO 97/39754 ✓	10/30/97	PCT	A61K	31/557		
	WO 98/00100 ✓	1/8/98	PCT	A61K	7/42		
	WO 98/12175 ✓	--	PCT	C07C	405/00		
	WO 98/13016 ✓	4/02/98	PCT	A61K	7/42		
	WO 98/19680 ✓	5/14/98	PCT	A61K	31/557		
	WO 98/20880 ✓	5/22/98	PCT	A61K	31/557		
	WO 98/20881 ✓	5/22/98	PCT	A61K	31/557		
	WO 98/21180 ✓	5/22/98	PCT	C07C	405/00		
	WO 98/21181 ✓	5/22/98	PCT	C07C	405/00		
	WO 98/21182 ✓	5/22/98	PCT	C07C	405/00		
	WO 98/27976 ✓	7/2/98	PCT	A61K	31/18		
	WO 98/28264 ✓	7/2/98	PCT	C07C	311/06		
	WO 98/33497 ✓	8/6/98	PCT	A61K	31/215		
	WO 98/39293 ✓	9/11/98	PCT	C07C	405/00		
	WO 98/50024 ✓	11/12/98	PCT	A61K	31/215		
	WO 98/53809 ✓	12/3/98	PCT	A61K	31/215		
	WO 98/57930 ✓	12/23/98	PCT	C07C	405/00		
	WO 98/57942 ✓	12/23/98	PCT	C07D	307/20		
	WO 98/58911 ✓	12/30/98	PCT	C07C	405/00		
	WO 99/02165 ✓	1/21/99	PCT	A61K	31/557		
	WO 99/12550 ✓	3/18/99	PCT	A61K	31/557		
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	WO 99/12895 ✓	3/18/99	PCT	C07C	405/00		
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	WO 99/12899 ✓	3/18/99	PCT	C07C	405/00		
	WO 99/19300 ✓	4/22/99	PCT	C07D	213/71		
	WO 99/21562 ✓	5/6/99	PCT	A61K	31/557		
	WO 99/22731 ✓	5/14/99	PCT	A61K	31/44		
	WO 99/25357 ✓	5/27/99	PCT	A61K	31/557		
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COPY

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	JP 49-101,356	9/25/74	JAPAN	16C86	--	X	
	JP 49-102,647	9/27/74	JAPAN	16C68	--	X	
	JP 61-218,510	9/29/86	JAPAN	A61K	7/06	X	
	WO 00/2450	1/20/2000	PCT	A01N	37/08		
	WO 00/3736	1/27/2000	PCT	A61K	47/44		
	WO 00/3980	1/27/2000	PCT	C07C	405/00		
	WO 00/4898	2/3/2000	PCT	A61K	31/215		
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	WO 98/21182	5/22/98	PCT	C07C	405/00		
	WO 98/27976	7/2/98	PCT	A61K	31/18		
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	WO 98/39293	9/11/98	PCT	C07C	405/00		
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	WO 98/57942	12/23/98	PCT	C07D	307/20		
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	WO 99/02165	1/21/99	PCT	A61K	31/557		
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	WO 99/12899	3/18/99	PCT	C07C	405/00		
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